



U.S. Department of Justice


Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 18, 2000

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Robert Raben 
Assistant Attorney General

SUBJECT: Weekly Report for September 18, 2000 - September 22, 2000

THE WEEK AHEAD

Wen Ho Lee: Senate Judiciary, Intelligence, Government Affairs, Energy Committee and House Intelligence Committee staff were faxed copies of the signed plea agreement on September 12 after it was filed with the court. Senator Specter's staff orally requested copies of "all documents related to the case;" we will work with them regarding the materials they seek. Representatives briefed Senate Intelligence staff on the case in a closed briefing on September 15.

Representatives from the Department and the Bureau are scheduled to brief members and staff of Senate Judiciary on September 18 in advance of a hearing to be held during the week of September 25.

- ✓ Senate Intelligence has tentatively scheduled a hearing for September 26; time to be determined. (There may be a morning and afternoon session; one open and one closed.) They propose to call you, Director Freeh, and Secretary Richardson as witnesses. Senate Judiciary has tentatively also scheduled a hearing for either Tuesday, September 26 or Wednesday, September 27; time to be ^{open} determined. They propose to call Director Freeh; a representative from the Criminal Division and U. S. Attorney Norman Bay. (Walter)

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Senate Intelligence Authorization Bill: Department representatives, along with the Central Intelligence Agency and the State Department, have been asked to brief Members of the House Intelligence Committee (Goss, Chair) on provisions in the Senate bill related to leak prosecutions, treaties, and FISA, on September 21. (Walter)

FISA: Draft language to fix text in the FISA amendments that passed Senate Judiciary and Intelligence was sent over to the Department for review; OIPR began Department coordination of drafts of the FISA reports requested by Senate Intelligence as a condition for revising the funding fence-off language from the bill and Committee; Committee staff has been advised we will send them over as soon as possible the week of September 18. OIPR representatives briefed House Intelligence staff on FISA oversight issues on September 13. (Walter)

Telecom Mergers: The Department continues to work with House and Senate staff contacts on pending legislation (S. 467 [DeWine/Kohl] and H.R. 4019 [Pickering/Tauzin]), and on the pending telecom merger bills that would prohibit mergers of a U.S. telecom company with a company with more than 25 percent foreign government ownership (S. 2793 [Hollings] and H.R. 4903 [Dingell/Markey]). Follow up questions from the September 7 House Commerce hearing are being coordinated within the Department; a briefing for House Intelligence Committee staff on law enforcement and national security interests in these mergers is being scheduled. (Walter)

Federal Prisoner Co-Pay: H.R. 1349, which would require a co-payment from federal prisoners who see a doctor at their own request, is on the House suspension calendar this week. (Scott-Finan)

Adopted Orphans Naturalization Act: H.R. 2883, a bill to streamline the naturalization of adopted orphans is expected to pass the House this week under suspension of the rules. The Immigration and Naturalization Service and the Office of Legislative Affairs worked with Committee staff to make this a bill that we strongly support. (First)

Trafficking in Persons: H.R. 3244 has passed both the House and Senate and is now in conference. There is a slight chance that the conference committee will finish its work this week and bring the conference report to the House and Senate for passage. The Office of Legislative Affairs, Civil Rights Division and the Immigration and Naturalization Service have worked with staff of the conference committee to strengthen the criminal and immigration provisions in this bill. We do not yet know whether the conference committee will take our changes. (First)

Fix '96: A bill by Congressmen McCollum and Frank, as well as Chairman Hyde, which would alleviate some of the harsh consequences to criminal aliens created by IIRIRA is scheduled to pass the House this week under suspension of the rules. The Administration supports the goals of this bill, [REDACTED] Currently, the bill covers only aliens whose crimes were committed prior to 1996. In addition, the bill contains a provision that could require INS to parole in to the U.S. aliens who were deported but may benefit under this bill.

[REDACTED]
(First)

VAWA: The Senate VAWA II bill, which the Department supports, may pass the Senate this week by unanimous consent. The House VAWA II bill has been stalled by the Republican leadership. ASG, OLA, VAWO and OPD are scheduled to brief you on VAWA this week. (First)

Meeting with Senator Steven's Staff: Representatives of the Office of the Associate Attorney General, the Office of Tribal Justice, and the Office of Legislative Affairs intend to meet with staff of Senator Steven this week to discuss the problem of alcohol abuse in Alaska Native villages and ways of addressing the problem. (Ho)

FOIA EXEMPTION (b)5

H-1B visas: The Senate is expected to file a cloture motion this week on Senator Abraham's bill to increase the number of H-1B visas. It will likely pass. This motion would end debate on the bill so that the Senate could proceed to a vote. [REDACTED]

██████ In addition, the Administration and Senate Democrats are seeking to add the Latino and Immigrant Fairness Act to the H-1B bill. This Act encompasses three things: "parity" for the Guatemalans, Salvadorans, Hondurans, Haitians and Liberians left out of NACARA and HRIFA., the reinstatement of 245(i), which allows immigrants to adjust their status without leaving the US, as long as they pay a penalty of \$1,000, and a change in the registry date that would allow many immigrants in the late amnesty class to adjust their status to permanent resident. (First)

Torres-Martinez: On September 18, the House will vote on H.R. 4643, the Torres-Martinez Desert Cahuilla Indian Claims Settlement Act. This legislation, endorsed by the Departments of Justice and Interior, will settle a variety of land claims related to the trust lands of the Torres-Martinez in Southern California. (Pearlman)

Religious Worker Visa Extension: A bill extending the religious worker visa for another three years is expected to pass the House under suspension of the rules on Tuesday. The Administration supports this extension. (First)

Drug Use in America: On September 19, the House Government Reform Committee's Subcommittee on Criminal Justice, Drug Policy and Human Resources (Mica, Chair) will hold a hearing on drug use trends in America. Acting Director of the National Institute of Justice Julie Samuels is scheduled to testify. (Tanner)

Education Department Finances: On September 19, the House Education and the Workforce Committee's Subcommittee on Oversight and Investigations (Hoekstra, Chair) will hold a hearing on financial management issues at the Department of Education. The Department has declined providing Randall Eliason, Chief of the Public Corruption and Government Fraud Section of the D.C. U.S. Attorney's office, as a witness. Office of Legislative Affairs staff and Mr. Eliason met with Chairman Hoekstra on September 13 and Ranking Minority Member Roemer on September 18 about public record information. (Scott-Finan)

Non-Acquiescence: On September 19, the House Judiciary Committee (Hyde, Chair) is expected to markup H.R. 1924, the Federal Agency Compliance Act. This bill would require federal agencies to follow appellate court rulings in dealing with disputes over benefits. We have testified and sent comments on this legislation opposing it. It is quite possible, due to the list of other bills on the markup schedule, that H.R. 1924 will be postponed. (Wilson)

Native Hawaiian Bill: On September 14, the Senate Indian Affairs Committee (Campbell, Chair) held a hearing and markup on S.2899/H.R.4904, which are identical bills which would clarify the political and legal relationship between the Federal Government and the Native Hawaiians as well as create a Native Hawaiian self-governing body. Jacqueline Agtuca, Acting Director of the Office of Tribal Justice, testified on behalf of the Department. The Committee ordered S. 2899 to be reported with an amendment in the nature of a substitute. On September 20, the House Resources Committee (Young, Chair) will hold a markup of H.R. 4904. (Ho)

H.R. 5018, the Electronic Communications Privacy Act: On September 14, the House Judiciary Committee's Subcommittee on the Constitution (Canady, Chair) reported favorably with amendment this bill. The Departments of Justice, Defense and Treasury, as well as state

local law enforcement organizations, oppose this bill in its current form, and met with the Chairman on September 15 to discuss the bill and pro-law enforcement provisions. H.R. 5018, is scheduled for full committee markup on September 20, but is expected to not be taken up until the markup the following day. (Daley)

Local Law Enforcement Block Grant Program: On September 19, the House is expected to consider H.R. 4999 under suspension of the rules. This bill would authorize a block grant program (which has been funded for several years without authorizing legislation) that provides funding to state and local law enforcement agencies for a broad array of purposes. (Graupensperger)

Sales of Violent Entertainment to Children: On September 20, the Senate Judiciary Committee (Hatch, Chair) will hold a hearing on antitrust law and entertainment industry efforts to restrict marketing and sales of violent entertainment to children. The Department is not testifying at this hearing. (Owen/Slover)

Inspector General Report on ICITAP: On September 21, the House Judiciary Committee (Hyde, Chair) will hold a hearing on Inspector General's Report in allegations of misconduct at ICITAP and the Department's response to the Report. We are working with the Criminal Division, the Justice Management Division and others in the Department to provide documents in response to the Committee's requests and otherwise prepare for the hearing. We are uncertain yet as to which Department representatives will testify in addition to the Inspector General. (Burton)

Beryllium: On September 21, Deputy Associate Attorney General Richard Jerome will testify before the House Judiciary Committee's Subcommittee on Immigration and Claims (Smith, Chair) at a hearing on six legislative proposals to compensate beryllium-related illnesses. (Pearlman, Burton)

Takings: On September 21, the Senate Judiciary Committee (Hatch, Chair) is scheduled to consider S. 1028, the Citizens Access to Justice Act. The Department has sent a views letter to the Committee indicating that you would recommend the President veto this legislation if it were passed in its current form. (Pearlman)

Mental Health Issues: On September 21, the House Judiciary Committee's Subcommittee on Crime (McCollum, Chair) will hold a hearing about the impact of mental illness on the criminal justice system. The Department will not provide a witness but will provide a statement for the record. (Graupensperger)

Port Security: On September 22, representatives of the Office of the Deputy Attorney General, the Criminal Division and the Office of Legislative Affairs will meet with staff of Senators Hollings and Graham to discuss legislation concerning port security. (Graupensperger)

Worst Case Scenario: On September 22, at the request of staff, the Department and the Bureau will be meeting with Senator Lautenberg to discuss our analysis of the use of off-site consequence analysis data by terrorists and his belief that chemical facility security is not adequate. (Daley)

Hearing about Preventing and Combating Crime: The House Judiciary Committee's Subcommittee on Crime (McCollum, Chair) postponed its hearing scheduled for September 20 about programs and policies that have been effective in preventing and combating crime. The Subcommittee has tentatively rescheduled for October 2. The Department has not yet selected its witness. (Graupensperger)

Waco: The House Government Reform Committee (Burton, Chair) plans to hold a hearing on October 5 to ask you about Waco and other matters, particularly any documents responsive to Committee subpoenas including, but not limited to, Waco. Staff advise that they will send a letter that specifically identifies the documents of concern to the Committee. Our document production of Waco documents to the Committee is almost completed. (Burton)

Drug Kingpin/Foreign Asset Controls: On September 21, Deputy Assistant Attorney General Mary Lee Warren of the Criminal Division and Chief of Intelligence Steven W. Casteel from the Drug Enforcement Administration will testify before the Judicial Commission on Foreign Asset Control related to procedures implementing controls on freezing drug kingpin assets. Documents requested by the Commission will be provided after review and coordination with other agencies for release is complete. (Walter)

Elian Gonzalez and Ruby Ridge Hearing: Senator Specter's DOJ Oversight Task Force has scheduled a hearing for Thursday, September 28th tentatively entitled, "Lessons Learned from Crisis Situations." The two case examples the task force wants to examine are DOJ's actions in Elian Gonzalez and Ruby Ridge. We do not yet know who will be asked to testify. (First)

THE WEEK IN REVIEW

Congressional Black Caucus Forum: On September 15, you appeared before an issue forum on prisoner reentry being conducted by the Legislative Conference of the Congressional Black Caucus. In addition, Deputy Attorney General Holder attended and participated in a panel on hate crimes and Civil Rights Division Deputy Assistant Attorney General Loretta King spoke on the issue of pattern and practice. On September 14, Civil Division Deputy Assistant Attorney General Thomas Perrelli participated in a panel on Black farmers. (Graupensperger)

Charitable Choice Issue Forum: On September 14, Congressman Robert C. "Bobby" Scott hosted a forum titled "Charitable Choice - A New Threat to Civil Rights." At the forum, the American Civil Liberties Union, the Religious Action Center of Reform Judaism, the Baptist Joint Committee, the Lawyers' Committee for Civil Rights Under Law, and the NAACP Legal Defense and Educational Fund, Inc. spoke. (Ho)

Prosecution of Obscenity Cases: On September 13, the Department sent a response to Congressman Largent and nine other members regarding prosecution of obscenity cases. We declined to name the "top 20" producers of obscenity. (Owen)

Hate Crimes: On September 13, the House passed, by a vote of 232-192, the Frank-Conyers motion to instruct conferees of the fiscal year 2001 Defense Authorization bill to include the Senate-passed hate crimes language in the final bill. The House-passed version of the bill does not include hate crimes language. Prior to that vote, the House defeated, by a vote of 196-227, a motion by Congressman Lindsay Graham to instruct conferees not to agree to the Kennedy-Smith

provisions of the Senate-passed bill. The Graham motion did not address the Hatch hate crimes provisions in the Senate-passed measure. The Department sent a letter regarding the Graham motion in which the Department took the position that the Administration/Kennedy's hate crimes proposals do not violate the equal protection clause of the fourteenth amendment. The conference report on the defense authorization bill (H.R. 4205) is tentatively scheduled to come before both Houses this week. The hate crimes language is an issue to be negotiated between the Chairman and Ranking Minority Members of the two Armed Services Committees. (Scott-Finan)

Radiation Exposure Compensation Act: On September 12, staff from the Justice Management Division, Civil Division, and the Office of Legislative Affairs met with staff from the Senate Budget Committee (Domenici, Chair) to discuss the possibility of making RECA funding a permanent and indefinite appropriation. On September 14, we met with staff from Senator Daschle and Senator Hatch's office to discuss making technical amendments to the program, as well as funding issues. (Pearlman/Daley)

Environment: On September 12, Environment and Natural Resources Division Assistant Attorney General Lois J. Schiffer testified before the Senate Committee on the Environment and Public Works (Smith, Chair) on proposed environmental regulations by the Department of Transportation. (Pearlman)

Law Enforcement and Extradition Treaties: On September 12, the Senate Foreign Relations Committee (Helms, Chair) held a hearing on pending treaties. Criminal Division Deputy Assistant Attorney General Bruce Swartz and Sam Witten from the State Department testified. (Walter)

Preparedness Against Terrorism Act: On September 11, the Office of Legislative Affairs and the Federal Bureau of Investigation met with majority staff for Senate Environment and Public Works (Smith, Chair) to discuss H.R. 4210, the Preparedness Against Terrorism Act. The Administration, the Department and the Bureau are opposed to this bill. (Daley)

Meeting about Gun Prosecutions in Baltimore: On September 11, representatives of the Office of the Deputy Attorney General, the Executive Office for U.S. Attorneys and the Office of Legislative Affairs met with staff of Chairman Hyde and Congressman McCollum concerning gun prosecutions in Baltimore. (Graupensperger)

Nominations: On September 7, the Senate Governmental Affairs Committee discharged the nomination of Glenn Fine to be Inspector General by unanimous consent. That nomination is now pending on the Senate Executive Calendar.

On September 7, the following nominations were sent to the Senate: Valerie K. Couch, to be a United States District Judge for the Western District of Oklahoma, and Marian McClure Johnston, to be a United States District Judge for the Eastern District of California. The nomination of Steven Achelpohl, to be a United States District Judge for the District of Nebraska, was sent to the Senate on September 12. The nomination of Richard W. Anderson, to be a United States District Judge for the District of Montana, was sent to the Senate on September 13.

On September 13, the Senate Governmental Affairs Committee held a hearing on the nominations of J. Ramsey Johnson and Gerald Fisher, both to be Associate Judges of the Superior Court of the District of Columbia.

And, on September 14, the nomination of Stephen B. Lieberman, to be a United States District Judge for the Eastern District of Pennsylvania, was sent to the Senate. (Scott-Finan)